

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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*IN RE* TERRORIST ATTACKS ON SEPTEMBER 11, 2001

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) No. 03 MDL 1570 (GBD/FM)  
) ECF Case  
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This document relates to:

FEDERAL INSURANCE CO., *et al.* v. AL QAIDA, *et al.*, Case No. 03-CV-6978

**DEFENDANT PEROUZ SEDAGHATY'S  
ANSWER TO FIRST AMENDED COMPLAINT**

Defendant Perouz Sedaghaty ("Sedaghaty"), through undersigned counsel, and pursuant to Rule 12, Fed. R. Civ. P., hereby submits his Answer to Plaintiffs' First Amended Complaint ("Complaint").

**Parties**

1. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

2. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

3. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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7. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

8. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

9. This plaintiff voluntarily dismissed its claims against all defendants. See Notice of Voluntary Dismissal (Doc. No. 2075) (Apr. 7, 2008). Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

10. This plaintiff voluntarily dismissed its claims against all defendants. See Notice of Voluntary Dismissal (Doc. No. 2075) (Apr. 7, 2008). Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

11. This plaintiff voluntarily dismissed its claims against all defendants. See Notice of Voluntary Dismissal (Doc. No. 2075) (Apr. 7, 2008). Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

12. This plaintiff voluntarily dismissed its claims against all defendants. See Notice of Voluntary Dismissal (Doc. No. 2075) (Apr. 7, 2008). Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

13. This plaintiff voluntarily dismissed its claims against all defendants. See Notice of Voluntary Dismissal (Doc. No. 2075) (Apr. 7, 2008). Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

14. This plaintiff voluntarily dismissed its claims against all defendants. See Notice of Voluntary Dismissal (Doc. No. 2075) (Apr. 7, 2008). Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

15. This plaintiff voluntarily dismissed its claims against all defendants. See Notice

of Voluntary Dismissal (Doc. No. 2075) (Apr. 7, 2008). Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

16. This plaintiff voluntarily dismissed its claims against all defendants. See Notice of Voluntary Dismissal (Doc. No. 2075) (Apr. 7, 2008). Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

17. This plaintiff voluntarily dismissed its claims against all defendants. See Notice of Voluntary Dismissal (Doc. No. 2075) (Apr. 7, 2008). Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

18. This plaintiff voluntarily dismissed its claims against all defendants. See Notice of Voluntary Dismissal (Doc. No. 2075) (Apr. 7, 2008). Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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23. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

24. This plaintiff voluntarily dismissed its claims against all defendants. See Notice of Voluntary Dismissal (Doc. No. 2143) (Nov. 14, 2008). Sedaghaty does not possess sufficient

knowledge or information to admit or deny the allegations contained in this paragraph.

25. This plaintiff voluntarily dismissed its claims against all defendants. See Notice of Voluntary Dismissal (Doc. No. 2143) (Nov. 14, 2008). Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

26. This plaintiff voluntarily dismissed its claims against all defendants. See Notice of Voluntary Dismissal (Doc. No. 2143) (Nov. 14, 2008). Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

27. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

28. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

29. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

30. This plaintiff voluntarily dismissed its claims against all defendants. See Notice of Voluntary Dismissal (Doc. No. 2144) (Nov. 14, 2008). Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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64. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

65. Sedaghaty denies the allegations in paragraph 65 insofar as they refer to the Al Haramain Islamic Foundation, Inc. (“AHIF-USA”). Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

66. Sedaghaty denies the allegations in paragraph 66 insofar as they refer to AHIF-USA or to himself. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

#### **Jurisdiction and Venue**

67. Sedaghaty denies that this court has subject matter jurisdiction over him under 28

U.S.C. §§ 1331 and 1332(a)(2) or 18 U.S.C. § 1350 (Alien Tort Claims Act). Sedaghaty denies that jurisdiction over plaintiffs' claims against him is proper under 28 U.S.C. § 1605, because those provisions apply solely to actions against foreign states.

68. Sedaghaty denies that jurisdiction over plaintiffs' claims against him is proper under 28 U.S.C. § 1330, because those provisions apply solely to actions against foreign states.

69. Sedaghaty denies that venue is proper under the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101 or under 28 U.S.C. § 1391(b)(2). Sedaghaty denies that venue is proper under 28 U.S.C. § 1391(f)(1), because that provision applies solely to actions against foreign states.

### **Factual Background**

70. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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81. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

82. Sedaghaty admits that AHIF-USA was designated by the United States government. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

83. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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90. Sedaghaty denies the allegations in paragraph 90 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

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123. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

124. Sedaghaty denies the allegations in paragraph 124 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

125. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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165. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

166. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.



167. Sedaghaty denies the allegations in paragraph 167 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

168. Sedaghaty denies the allegations in paragraph 168 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

169. Sedaghaty denies the allegations in paragraph 169 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

170. Sedaghaty denies the allegations in paragraph 170 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

171. Sedaghaty admits that the United States government has designated two groups in Bosnia and Somalia affiliated with al-Haramain (Saudi Arabia) as terrorist entities. Sedaghaty denies all other allegations in paragraph 171 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

172. Sedaghaty admits that the United States government has designated four groups in Indonesia, Kenya, Tanzania, and Pakistan affiliated with al-Haramain (Saudi Arabia) as terrorist entities. Sedaghaty denies all other allegations in paragraph 172 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

173. Sedaghaty admits that the United States government has designated two groups in

Kenya and Tanzania affiliated with al-Haramain (Saudi Arabia) as terrorist entities. Sedaghaty denies all other allegations in paragraph 173 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

174. Sedaghaty denies the allegations in paragraph 174 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

175. Sedaghaty denies the allegations in paragraph 175 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

176. Sedaghaty denies the allegations in paragraph 176 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

177. Sedaghaty admits that a search warrant was executed on AHIF-USA's property in Ashland, Oregon. Sedaghaty denies the remaining allegations in paragraph 177 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

178. Sedaghaty denies the allegations in paragraph 178 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

179. Sedaghaty denies the allegations in paragraph 179 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

180. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

181. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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203. Sedaghaty denies the allegations in paragraph 174 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

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277. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

278. Sedaghaty denies the allegations in paragraph 278 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

279. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

280. Sedaghaty denies the allegations in paragraph 280 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

281. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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290. Sedaghaty denies the allegations in paragraph 290 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

291. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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298. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

299. Sedaghaty denies the allegations in paragraph 299 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

300. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

301. Sedaghaty denies the allegations in paragraph 301 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

302. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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325. Sedaghaty denies the allegations in paragraph 325 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

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359. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

360. Sedaghaty denies the allegations in paragraph 360 insofar as they refer to AHIF-

USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

361. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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368. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

369. Sedaghaty denies the allegations in paragraph 369 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

370. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

371. Sedaghaty denies the allegations in paragraph 371 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

372. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

373. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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421. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

422. Sedaghaty denies the allegations in paragraph 422 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

423. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

424. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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428. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

429. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

430. Sedaghaty denies the allegations in paragraph 430 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

431. Sedaghaty denies the allegations in paragraph 431 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

432. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

433. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

434. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

435. Sedaghaty denies the allegations in paragraph 435 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

436. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

437. Sedaghaty denies the allegations in paragraph 437 insofar as they refer to AHIF-

USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

438. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

439. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

440. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

441. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

442. Sedaghaty denies the allegations in paragraph 442 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

443. Sedaghaty denies the allegations in paragraph 443 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

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450. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

451. Sedaghaty denies the allegations in paragraph 451 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

452. Sedaghaty denies the allegations in paragraph 452 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

453. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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461. Sedaghaty denies the allegations in paragraph 461 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

462. Sedaghaty denies the allegations in paragraph 462 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

463. Sedaghaty denies the allegations in paragraph 463 insofar as they refer to AHIF-USA. Sedaghaty does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

464. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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540. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

### **Plaintiffs' Injuries**

541. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

542. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

543. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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547. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

548. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

549. This plaintiff voluntarily dismissed its claims against all defendants. See Notice of Voluntary Dismissal (Doc. No. 2075) (Apr. 7, 2008). Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

550. This plaintiff voluntarily dismissed its claims against all defendants. See Notice of Voluntary Dismissal (Doc. No. 2075) (Apr. 7, 2008). Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

551. This plaintiff voluntarily dismissed its claims against all defendants. See Notice of Voluntary Dismissal (Doc. No. 2075) (Apr. 7, 2008). Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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559. Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

560. This plaintiff voluntarily dismissed its claims against all defendants. See Notice of Voluntary Dismissal (Doc. No. 2143) (Nov. 14, 2008). Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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566. This plaintiff voluntarily dismissed its claims against all defendants. See Notice of Voluntary Dismissal (Doc. No. 2144) (Nov. 14, 2008). Sedaghaty does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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knowledge or information to admit or deny the allegations contained in this paragraph.

## **CLAIMS**

### **Count One — Trespass**

598. Sedaghaty hereby incorporates his responses to the previous allegations as if fully set forth herein.

599. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

600. No response is required to the allegations in this paragraph because the conspiracy cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

601. No response is required to the allegations in this paragraph because the conspiracy cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

602. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

603. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

REQUESTED RELIEF (Count One). Sedaghaty denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count One against him, or that they are entitled to any relief in this action against him.

**Count Two — Wrongful Death**

604. Sedaghaty hereby incorporates his responses to the previous allegations as if fully set forth herein.

605. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

606. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

REQUESTED RELIEF (Count Two). Sedaghaty denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count Two against him, or that they are entitled to any relief in this action against him.

**Count Three — Survival**

607. Sedaghaty hereby incorporates his responses to the previous allegations as if fully set forth herein.

608. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

609. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

REQUESTED RELIEF (Count Three). Sedaghaty denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count Three against him, or that they are entitled to any relief in this action against him.

**Count Four — Assault & Battery**

610. Sedaghaty hereby incorporates his responses to the previous allegations as if fully set forth herein.

611. No response is required to the allegations in this paragraph because the assault and battery cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

612. No response is required to the allegations in this paragraph because the assault and battery cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

613. No response is required to the allegations in this paragraph because the assault and battery cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

REQUESTED RELIEF (Count Four). No response is required to the allegations in this paragraph because the assault and battery cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. Sedaghaty denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count Four against him, or that they are entitled to any relief in this action against him.

**Count Five — Negligent and/or Intentional Infliction of Emotional Distress**

614. Sedaghaty hereby incorporates his responses to the previous allegations as if fully set forth herein.

615. No response is required to the allegations in this paragraph because the Intentional and/or Negligent Infliction of Emotional Distress cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of

this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

616. No response is required to the allegations in this paragraph because the Intentional and/or Negligent Infliction of Emotional Distress cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

617. No response is required to the allegations in this paragraph because the Intentional and/or Negligent Infliction of Emotional Distress cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

REQUESTED RELIEF (Count Five). No response is required to the allegations in this paragraph because the Intentional and/or Negligent Infliction of Emotional Distress cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. Sedaghaty denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count Five against Sedaghaty, or that they are entitled to any relief in this action against Sedaghaty.

#### **Count Six – Torture Victim Protection Act**

618. Sedaghaty hereby incorporates his responses to the previous allegations as if fully set forth herein.

619. No response is required to the allegations in this paragraph because the Torture Victim Protection Act cause of action was dismissed by the Memorandum Decision and Order of

the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

620. No response is required to the allegations in this paragraph because the Torture Victim Protection Act cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

621. No response is required to the allegations in this paragraph because the Torture Victim Protection Act cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

622. No response is required to the allegations in this paragraph because the Torture Victim Protection Act cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

REQUESTED RELIEF (Count Six). No response is required to the allegations in this paragraph because the Torture Victim Protection Act cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. Sedaghaty denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count Six against Sedaghaty, or that they are entitled to any relief in this action against Sedaghaty.

**Count Seven – Conspiracy**

623. Sedaghaty hereby incorporates his responses to the previous allegations as if fully set forth herein.

624. No response is required to the allegations in this paragraph because the Conspiracy cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

625. No response is required to the allegations in this paragraph because the Conspiracy cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

626. No response is required to the allegations in this paragraph because the Conspiracy cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

REQUESTED RELIEF (Count Seven). No response is required to the allegations in this paragraph because the Conspiracy cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. Sedaghaty denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count Seven against Sedaghaty, or that they are entitled to any relief in this action against Sedaghaty.

**Count Eight – RICO**

627. Sedaghaty hereby incorporates his responses to the previous allegations as if fully set forth herein.

628. No response is required to the allegations in this paragraph because the RICO cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

629. No response is required to the allegations in this paragraph because the RICO cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

REQUESTED RELIEF (Count Eight). No response is required to the allegations in this paragraph because the RICO cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. Sedaghaty denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count Eight against Sedaghaty, or that they are entitled to any relief in this action against Sedaghaty.

#### **Count Nine – Aiding and Abetting**

630. Sedaghaty hereby incorporates his responses to the previous allegations as if fully set forth herein.

631. No response is required to the allegations in this paragraph because the Aiding and Abetting cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

632. No response is required to the allegations in this paragraph because the Aiding and Abetting cause of action was dismissed by the Memorandum Decision and Order of the

Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

633. No response is required to the allegations in this paragraph because the Aiding and Abetting cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

REQUESTED RELIEF (Count Nine). No response is required to the allegations in this paragraph because the Aiding and Abetting cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. Sedaghaty denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count Nine against Sedaghaty, or that they are entitled to any relief in this action against Sedaghaty.

#### **Count Ten — Anti-Terrorism Act**

634. Sedaghaty hereby incorporates his responses to the previous allegations as if fully set forth herein.

635. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

636. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

637. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

638. No response is required to the allegations in this paragraph because the



Conspiracy cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

REQUESTED RELIEF (Count Ten). No response is required to the allegations in this paragraph because the Conspiracy cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. Sedaghaty denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count Ten against Sedaghaty, or that they are entitled to any relief in this action against Sedaghaty.

#### **Count Eleven – Negligence**

639. Sedaghaty hereby incorporates his responses to the previous allegations as if fully set forth herein.

640. No response is required to the allegations in this paragraph because the Negligence cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

641. No response is required to the allegations in this paragraph because the Negligence cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

642. No response is required to the allegations in this paragraph because the Negligence cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

643. No response is required to the allegations in this paragraph because the Negligence cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

REQUESTED RELIEF (Count Eleven). No response is required to the allegations in this paragraph because the Negligence cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. Sedaghaty denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count Eleven against Sedaghaty, or that they are entitled to any relief in this action against Sedaghaty.

#### **Count Twelve — Punitive Damages**

644. Sedaghaty hereby incorporates its responses to the previous allegations as if fully set forth herein.

645. No response is required to the allegations in this paragraph because the Punitive Damages cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

646. No response is required to the allegations in this paragraph because the Punitive Damages cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

REQUESTED RELIEF (Count Twelve). No response is required to the allegations in this paragraph because the Punitive Damages cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. Sedaghaty denies that

plaintiffs are entitled to any of the relief requested in their prayer for relief under Count Twelve against Sedaghaty, or that they are entitled to any relief in this action against Sedaghaty.

**Prayer for Relief**

The allegations of this section constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

**Jury Demand**

Plaintiffs' statement regarding a jury trial and jury demand contain no allegations to which a response is required.

Each and every allegation in plaintiffs' complaint that has not been specifically admitted is hereby denied.

**FIRST AFFIRMATIVE DEFENSE**

(Failure to State a Claim)

Plaintiffs' claims fail to state a claim against Sedaghaty for which relief may be granted.

**SECOND AFFIRMATIVE DEFENSE**

(Causation)

There is no causal connection between any of Sedaghaty's activities and plaintiffs' injuries.

**THIRD AFFIRMATIVE DEFENSE**

(Causation)

No act or omission of any agent, servant, or employee of Sedaghaty proximately caused

any harm or damage to plaintiffs.

**FOURTH AFFIRMATIVE DEFENSE**

(Causation)

Sedaghaty's activities were not the proximate cause of any harm or damage to plaintiffs.

**FIFTH AFFIRMATIVE DEFENSE**

(Scienter)

Plaintiffs fail to adequately allege scienter on Sedaghaty's part.

**SIXTH AFFIRMATIVE DEFENSE**

(Other Tortfeasors)

Plaintiffs' damages and injuries were caused by other individuals or entities who are, or are not, named as parties to this action.

**SEVENTH AFFIRMATIVE DEFENSE**

(Improper Venue)

This Court is not the proper venue for plaintiffs' claims against Sedaghaty.

**EIGHTH AFFIRMATIVE DEFENSE**

(Subject Matter Jurisdiction)

This Court does not have subject matter jurisdiction over plaintiffs' claims against Sedaghaty.

**NINTH AFFIRMATIVE DEFENSE**

(Personal Jurisdiction)

This Court does not have personal jurisdiction over plaintiffs' claims against Sedaghaty.

**TENTH AFFIRMATIVE DEFENSE**

(Estoppel)

Plaintiffs are estopped from receiving the relief requested against Sedaghaty.

**ELEVENTH AFFIRMATIVE DEFENSE**

(Statute of Limitations)

Plaintiffs' claims against Sedaghaty are barred, in whole or in part, by the applicable statute of limitation(s).

**TWELFTH AFFIRMATIVE DEFENSE**

(Punitive Damages)

Plaintiffs' claims for punitive damages against Sedaghaty are barred because Sedaghaty's activities, as alleged by plaintiffs, were not committed with intent, malice, willful and outrageous conduct aggravated by evil motive, or reckless indifference, and none of Sedaghaty's activities in any way were intended to, or did harm, the plaintiffs in this action.

**THIRTEENTH AFFIRMATIVE DEFENSE**

(Joint or Several Liability)

Defendant is not liable for plaintiffs' damages based on the doctrines of several liability and/or combined or comparative fault, under N.Y. C.P.L.R. § 1601 *et seq.*

**FOURTEENTH AFFIRMATIVE DEFENSE**

(No Double Recovery)

Plaintiffs have waived their claims based on the doctrine disallowing double recovery and/or the doctrine of election of remedies.

**FIFTEENTH AFFIRMATIVE DEFENSE**

(Collateral Source)

Plaintiffs have waived their claims based on the collateral source doctrine.

**SIXTEENTH AFFIRMATIVE DEFENSE**

(Subrogation)

Plaintiffs have waived their claims based on the doctrine of subrogation and/or the doctrine of equitable subrogation.

**SEVENTEENTH AFFIRMATIVE DEFENSE**

In response to plaintiffs' claims, Sedaghaty intends to invoke any other defenses, including affirmative defenses, as they may become apparent through discovery, and reserve the right, in accordance with the Federal Rules of Civil Procedure and the Local Civil Rules of the United States District Court for the Southern District of New York, to assert such defenses.

Sedaghaty requests that the Plaintiffs' First Amended Complaint be dismissed with prejudice as to him, and that the Court award attorney's fees and costs to Sedaghaty in defending against a case with no factual or legal basis against him, and award any other relief that the Court deems just under the circumstances.

Respectfully submitted,

/s/ Lynne Bernabei

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Attorneys for Defendant  
Perouz Sedaghaty

Dated: October 15, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that on October 15, 2010, I caused the foregoing to be served electronically on counsel of record by the Court's Electronic Case Filing (ECF) System, pursuant to ¶ 9(a) of Case Management Order No. 2 (June 16, 2004).

/s/ Alan R. Kabat

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Alan R. Kabat